

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

Lucinda Little, et al. _____
Plaintiff _____
v.
Emilio Vasquez, et al. _____
Defendant _____
} Civil Action No. 17-1562
}

WAIVER OF THE SERVICE OF SUMMONS

To: Samuel C. Stretton, Esquire
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 04/19/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 4/19/17



Signature of the attorney or unrepresented party

Philadelphia City Commissioners
Printed name of party waiving service of summons

Commissioner Anthony Clark,
Commissioner Al Schmidt,
and Commissioner Lisa Beale,
in their official capacities.

Ben Field, Esquire

Printed name

City of Philadelphia Law Department
1515 Arch Street, Philadelphia, PA 19102

Address

benjamin.field@phila.gov

E-mail address

(215) 683-5024

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUCINDA LITTLE, CHERI HONKALA, :	DOCKET NO. 2:17-cv-01562-JHS
THE GREEN PARTY OF PENNSYLVANIA, :	
REPUBLICAN CITY COMMITTEE OF :	
PHILADELPHIA and REPUBLICAN :	
PARTY OF PENNSYLVANIA (a/k/a) :	
REPUBLICAN STATE COMMITTEE, :	
PLAINTIFFS :	
V. :	
EMILIO VASQUEZ, COMMISSIONER :	
ANTHONY CLARK, COMMISSIONER :	
AL SCHMIDT, COMMISSIONER LISA M. :	
DEELEY, PEDRO CORTES, SECRETARY :	
OF THE COMMONWEALTH, DEPARTMENT :	
OF STATE, BUREAU OF COMMISSIONS, :	
ELECTIONS AND LEGISLATION and :	
PHILADELPHIA CITY DEMOCRATIC :	
COMMITTEE, :	
DEFENDANTS :	

CERTIFICATE OF SERVICE

I hereby certify I am this date serving a copy of the Waiver of Service of Summons of the Defendants, City Commissioners Clark, Schmidt and Deeley, by their counsel, Ben Field, Esquire, in the captioned matter upon the following persons in the manner indicated below.

Service by First Class Mail addressed as follows:

1. Linda A. Kerns, Esquire
1420 Locust Street, Suite 200
Philadelphia, PA 19102
(215) 731-1400
Attorney I.D. No. 84495
Attorney for Plaintiffs, Republican City Committee of Philadelphia and Lucinda Little, duly nominated candidate and Registered elector

2. Joel L. Frank, Esquire
Lamb McErlane, PC
P.O. Box 565
West Chester, PA 19381-0565
(610) 430-8000
Attorney I.D. No. 46601
Attorney for Plaintiff, Republican State Committee
3. Benjamin H. Field, Esquire
Deputy City Solicitor
Affirmative and General Litigation Unit
City of Philadelphia Law Department
1515 Arch Street
Philadelphia, PA 19102
(215) 683-5024
Attorney for Defendants, Philadelphia City
Commissioners, Commissioner Anthony Clark,
Commissioner Al Schmidt and Commissioner Lisa Deeley
4. Ian B. Everhart, Esquire
Pennsylvania Department of State
Office of Chief Counsel
306 North Office Building
Harrisburg, PA 17102-0102
(717) 783-0736
Attorney for Pennsylvania Department of State
5. Emilio Vasquez
3643 N. Percy Street
Philadelphia, PA 19140
Defendant
6. Pedro Cortes
Secretary of the Commonwealth of PA
Office of the Secretary
302 N. Office Building
Harrisburg, PA 17120
Defendant

7. Philadelphia City Democratic Committee
219 Spring Garden Street
Philadelphia, PA 19123
Defendant

Respectfully submitted,

April 20, 2017

Date

s/Samuel C. Stretton

Samuel C. Stretton, Esquire
Attorney for Plaintiffs,
The Green Party of Pennsylvania
and Cheri Honkala
301 S. High St., P.O. Box 3231
West Chester, PA 19381
(610) 696-4243
Attorney I.D. No. 18491